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EPA REGION VIII  
HEARING CLERK

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Docket No. SDWA-08-2004-0021

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Alfred C. Smith  
Alfred C. Smith  
Regional Judicial Officer

**Alfred C. Smith**  
**Regional Judicial Officer**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

2005 SEP 28 AM 11:38

**In the Matter of:**

**Wyoming State Parks and Historic  
Sites  
Cheyenne, WY**

**Respondent**

) **Docket No. SDWA-08-2004-0021**  
)  
) **Proceedings under section 1414(g) of**  
) **the Safe Drinking Water Act,**  
) **42 U.S.C. § 300g-3(g),**  
) **PWS ID # 5600641**

FILED  
EPA REGION VIII  
HEATING CLERK

**CONSENT AGREEMENT**

Complainant United States Environmental Protection Agency ("EPA"), Region 8, and Respondent Wyoming State Parks and Historic Sites have reached a settlement and hereby consent and agree as follows:

1. On May 4, 2004, EPA issued an Administrative Complaint ("Complaint") alleging that the Respondent had violated certain provisions of the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. part 141, promulgated under the authority of the Safe Drinking Clean Water Act (the "Act" or "SDWA"), 42 U.S.C. § 300f *et seq.* The Complaint proposed an administrative civil penalty for these alleged violations, under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g).

2. Pursuant to 40 C.F.R. § 22.18(b)(2), the Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies its factual allegations.

3. The Respondent waives its right to a hearing before any tribunal, to contest any allegations in the Complaint. It also waives its right to appeal any final order resulting from this Consent Agreement ("Agreement").

4. This Agreement, upon incorporation into a final order, will apply to and be binding upon EPA and upon the Respondent and the Respondent's successors and assigns. This Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondent consents and agrees to pay a civil penalty in the amount of seventeen hundred dollars (\$1,700.00) by September 30, 2005.

6. The payment shall be made by remitting a cashier's or certified check for the full amount, including "In the Matter of Wyoming State Parks and Historic Sites, Docket No. SDWA-08-2004-0021," payable to "Treasurer, United States of America," to:

Mellon Bank  
P.O. Box 360859  
Pittsburgh, PA 15251-6859

Any payment made via overnight delivery shall be sent to:

U.S. EPA, 360859  
Mellon Bank  
Client Service Center, Room 154-0670  
500 Ross Street  
Pittsburgh, PA 15262-0001

A copy of each check and any enclosed documentation shall be sent simultaneously to:

Kathelene Brainich (8ENF-W)  
Environmental Protection Specialist  
U.S. EPA Region 8  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

and

Tina Artemis (8RC)  
Regional Hearing Clerk  
U.S. EPA Region 8  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

7. A payment is considered late if it is not received by Mellon Bank on the stated due date. Payments must be received by 11:00 a.m. EST to be considered as received that day.

8. In the event payment is not received by the specified due date, an additional amount of interest shall accrue from the payment due date at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. Interest will continue to accrue until the payment is received in full.

9. In addition to the accrual of interest specified above in this Agreement, a late payment charge of fifteen dollars (\$15.00) shall be imposed after the first 30 days that any installment, or any portion thereof, is overdue, with an additional charge of ten dollars (\$10.00) imposed for each subsequent 30-day period until the installment is paid in full. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if any penalty installment payment is not received within 90 days of the due date. Payments are first applied to accrued interest, penalty and/or handling charge; the balance is then applied to the outstanding principal amount.

10. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the SDWA and its implementing regulations.

11. Any failure by the Respondent to comply with any of the terms of this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.

12. Nothing in this Agreement shall be construed as a waiver by EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of any failure of the Respondent to comply with this Agreement.

13. The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

14. The parties agree to submit this Agreement to the Regional Judicial Officer for EPA Region 8, with a request that it be incorporated into a final consent order.

15. Each party shall bear its own costs and attorneys' fees in this matter.

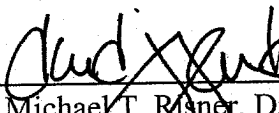
16. This Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the penalties sought in the Complaint.

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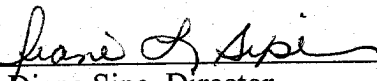
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,

Complainant

Date: 27 September 2005

By:   
Michael T. Risner, Director  
David J. Janik  
Supervisory Enforcement Attorney  
Legal Enforcement Program

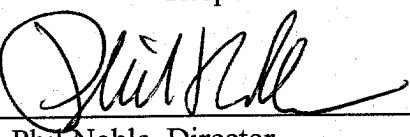
Date: 27 September 2005

By:   
Diane Sipe, Director  
Water Technical Enforcement Program

WYOMING STATE PARKS AND  
HISTORIC SITES, a division within the  
Department of State Parks and Cultural  
Resources, Cheyenne, WY

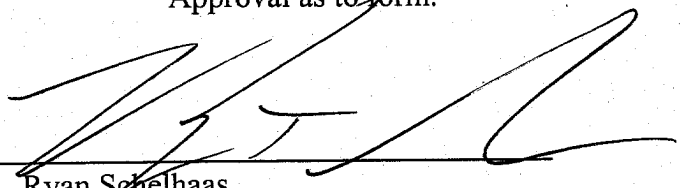
Respondent

Date: 9, 21, 05

By:   
Phil Noble, Director  
Department of State Parks  
and Cultural Resources

Approval as to form:

Date: 9/21/05

By:   
Ryan Schelhaas  
Assistant Attorney General  
Wyoming Attorney General's Office

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER**, in the matter of **WYOMING STATE PARKS AND HISTORIC SITES, DOCKET NO.: SDWA-08-2004-0021** was filed with the Regional Hearing Clerk on September 28, 2005.

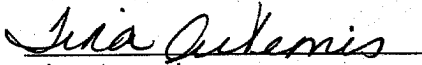
Further, the undersigned certifies that a true and correct copy of the document was delivered to Margaret "Peggy" Livingston, Enforcement Attorney, U. S. EPA – Region 8, 999 18<sup>th</sup> Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on September 28, 2005, to:

Ryan T. Schelhaas  
Assistant Attorney General  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

And hand carried to:

Honorable Alfred C. Smith  
Regional Judicial Officer  
U. S. Environmental Protection Agency – Region 8  
999 18<sup>th</sup> Street, Suite 300 (8RC)  
Denver, CO 80202-2466

September 28, 2005

  
Tina Artemis  
Regional Hearing Clerk



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